

From: esko
To: Microsoft ATR
Date: 1/29/02 3:02am
Subject: Microsoft Settlement

I am a software engineer with 19 years of experience developing software for Apple, Windows, DOS, Unix, and Linux. Having studied the proposed final judgement it is obvious to me that it is not in the public interest.

To begin with, there appears to be no provision for enforcement.

Additionally there are so many loopholes in the definitions used that even the little that it attempts to do is virtually guaranteed to fail.

There are many anti-competitive practices that the proposed judgement does not address at all.

For a more detailed critique of the settlement that touches on most of the issues I highly recommend checking out Don Kegel's summary of the flaws on the internet. (<http://www.kegel.com/remedy/remedy2.html>) I agree with each of the points he makes in the essay. It is a good outline of many of the most obvious limitations of this proposed settlement.

Microsoft has been allowed to run roughshod over the computer industry for more than a decade. It has danced around the terms of the "consent decree" and completely subverted them. There are many examples in the Findings of Fact illustrating an almost complete lack of ethics and total disregard for the law.

Only a very restrictive, well-defined, comprehensive decree with a real enforcement mechanism has any hope of accomplishing the goals that a remedy decree requires.

The ongoing actions taken by this company while these proceedings take place make it readily apparent to me that Microsoft has no intention of following any court order or honoring any agreement it signs.

I strongly urge you to take the necessary steps to accomplish the goals defined by the appeals court. If you manage to do so, you will help restore the computer industry to the dynamic and creative environment I fell in love with so many years ago.

Sincerely,

Esko Woudenberg
391 Montclair Dr. #46
Big Bear City, CA 92314

Software Developer

